

## REMARKS

This Response is submitted in reply to the Office Action dated October 15, 2009. Claims 22 to 36 are pending in the present application. Claims 22 to 30, 33 and 34 are hereby amended. Claims 37 and 38 are hereby added. Claims 22, 26 and 30 are in independent form. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Response.

The Office Action objected to Claim 25 and stated such claim includes an informality. Applicant has amended Claim 25 and submits that this amendment overcomes this objection.

The Office Action rejected Claims 30, 35 and 36 under 35 U.S.C. §101 and stated such claims are directed to non-statutory subject matter. Applicant has amended Claims 30 and submits that this amendment overcomes these rejections.

The Office Action rejected Claims 22 to 30 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0033848 to Sciammarella et al. ("Sciammarella I") in view of U.S. Patent Publication No. 2002/0054157 to Hayashi et al. ("Hayashi"). In view of the amendments made herein, Applicant respectfully disagrees with such rejections.

Sciammarella I discloses a system for managing data objects. The Abstract of Sciammarella I discloses:

A device for managing image and audio files displays thumbnails, which are representative of the files, on a screen in different arrangements, depending on the selected layout and order. When the user enters input to indicate that he or she wishes to browse through the thumbnails, the thumbnails move across the screen in sequence, following a path through a focus outline in the center of the screen. The path followed by the thumbnails depends on the selected layout.

Hayashi discloses an apparatus for processing information. The Abstract of Hayashi discloses:

An apparatus and a method for processing information, and a program and a program storage medium are disclosed. A content processing routine 152-1 controls the display of a thumbnail and determines whether or not a predetermined time has passed with the thumbnail selected. If the predetermined time is found passed with the thumbnail selected, the content processing routine 152-1 controls the display of the information associated with the thumbnail to a predetermined position corresponding to the display position of the thumbnail.

Pages 6 to 7 of the Office Action stated:

It is obvious to combine known elements according to known methods to yield predictable results. Therefore, it would have been obvious to have combined the user interface of Sciammarella with the small number of data cards of Hayashi according to the described methods of displaying the cards and for the predictable result of displaying all of the cards on the screen at the same time.

It would have been obvious to have combined the display embodiments for the purpose of allowing the user to more easily select the genre of content for display and to see the currently displayed genre while using the helix display method (See fig. 4).

Applicant respectfully disagrees and submits that even if properly combined, unlike the display processing apparatus of amended independent Claim 22, neither Sciammarella I or Hayashi individually, nor the display processing apparatus resulting from the combination of Sciammarella I and Hayashi anticipate or render obvious at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate with the at least one display device and the at least one input device to move the content cards along a content card movement curve, the content card movement curve being defined by a first plurality of control points and a second plurality of control points, wherein in response to a movement of the user-operable selection indicator: (i) each of the first plurality of control points are fixed; and (ii) each the second plurality of control points are moved along with the movement of the user-operable selection indicator. Rather, Sciammarella I merely discloses moving thumbnails “by panning, scrolling, and zooming in the screen to change the degrees of focus placed on the thumbnails.” (See, Sciammarella I, paragraph [0050]).

Additionally, it would not have been obvious to one of ordinary skill in the art to modify Sciammarella I and Hayashi to result in such a display processing device without reasonably being construed as improper hindsight reconstruction.

No new matter has been added by such amendments. Support for the amendments can be found in the Specification, for example, in at least paragraphs [0123] to [0125] and Figs. 9 and 10 of the present application.

For example, paragraph [0124] of the present application discloses, with emphasis added:

FIG. 10 includes illustrations showing changes of the parametric curve when the cursor 601 moves. FIG. 10(b) shows the state where the cursor 601 is placed at the center of the movement curve, FIG. 10(a) shows the state where the cursor 601 is placed above the movement curve, and FIG. 10(c) shows the state where

the cursor 601 is placed below the movement curve. In these states, the control points on the right side are fixed, and the control points on the left side move up and down along with a change of the cursor.

For at least these reasons, it is respectfully submitted that independent Claim 22 is patentably distinguished over Sciammarella I and Hayashi and in condition for allowance. Dependent Claims 23 to 25 depend directly from amended independent Claim 22 and are also allowable for the reasons given with respect to Claim 22 and because of the additional features recited in these claims.

Independent Claims 26 and 30 each include certain similar elements to independent Claim 22. For reasons similar to those discussed above with respect to independent Claim 22, independent Claims 26 and 30 (and dependent Claims 27 to 29) are each patentably distinguished over Sciammarella I and Hayashi and in condition for allowance.

The Office Action rejected Claims 31 to 36 under 35 U.S.C. §103(a) as being unpatentable over Sciammarella I in view of U.S. Patent Publication No. 2002/0054157 to Hayashi et al. and U.S. Patent No. 6,281,940 to Sciammarella et al. ("Sciammarella II"). Applicant respectfully submits that the patentability of Claims 22, 26 and 30 renders these rejections moot.

### **New Claims**

New Claim 37 includes, among other elements, "wherein said first plurality of control points include a first control point and a second control point." New Claim 38 includes, among other elements, "wherein when executed by the at least one processor, the plurality of instructions cause the at least one processor to operate with the at least on display device to display said user-operable selection indicator between said first control point and said second control point." Dependent Claims 37 and 38 depend directly or indirectly from amended independent Claim 22 and are also allowable for the reasons given with respect to Claim 22 and because of the additional features recited in these claims.

An earnest endeavor has been made to place this application in condition for formal allowance, and allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

K&L GATES  LLP

BY \_\_\_\_\_

Thomas C. Basso  
Reg. No. 46,541  
Customer No. 29175  
Phone: (312) 807-4310

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